

8688. Adulteration of chocolate coating. U. S. v. 8,000 Pounds and 300 Bales of Chocolate Coating. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 15231, 15232. Sample Nos. 18534-H, 18536-H, 18537-H.)

LIBELS FILED: February 12, 1945, District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of October 22, 1943, and September 8, 1944, by the Klein Chocolate Co., Inc., from Elizabethtown, Pa.

PRODUCT: 300 bales, each containing 200 pounds, of chocolate coating in bars; and 8,000 pounds consisting of about 1,650 pounds melted, 2,000 pounds broken in pieces, 2 broken bags containing about 350 pounds, and 20 bags, each containing 20 10-pound bars, of chocolate coating at Minneapolis, Minn.

LABEL, IN PART: (Portions) "Klein's Kotemor Sweet Choc. [or "Chocolate"] Coating."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect excreta, webbing, rodent hairs, rodent-gnawed chocolate, and rodent urine. A portion also consisted of a decomposed substance by reason of the presence of moldy chocolate.

DISPOSITION: June 8, 1945. Powell's Inc., Minneapolis, Minn., claimant, having admitted the material allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law. under the supervision of the Food and Drug Administration.

8689. Misbranding of honey. U. S. v. 97 Jars of Honey. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15377. Sample No. 27412-H.)

LIBEL FILED: February 17, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about October 24, 1944, by W. P. Murphy, from Boise, Idaho.

PRODUCT: 97 jars, each containing 5 pounds, of honey at Portland, Oreg. The product was unlabeled when shipped.

LABEL, IN PART: (Portions) "Net Weight 5# Pure Idaho Alfalfa Clover and Fire Weed Honey," or "5 lb. Honey Amber." The remainder of the article was unlabeled.

NATURE OF CHARGE: Misbranding, Section 403 (e), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

DISPOSITION: March 19, 1945. The Jersey Milk Co., Inc., Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8690. Adulteration and misbranding of sirup. U. S. v. 15 Cases of Syrup. Default decree of condemnation and destruction. (F. D. C. No. 15283. Sample No. 416-H.)

LIBEL FILED: February 15, 1945, Southern District of Georgia.

ALLEGED SHIPMENT: On or about December 14, 1944, by the Reco Sales Co., from New York, N. Y.

PRODUCT: 15 cases, each containing 24 16-fluid-ounce bottles, of sirup at Savannah, Ga.

LABEL, IN PART: (Bottles) "Reco Pancake Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the product.

Misbranding, Section 403 (a), the label statement, "Pancake Syrup Maple Flavor Made of pure cane sugar sirup," was misleading as applied to a product which consisted of a mixture of sugar, or sugars, and water, containing less sugar than is contained in maple sirup or cane sugar sirup, and which contained no maple sirup or maple flavor but was artificially flavored and colored to